



## Call to Order

The October 28, 2024, regular meeting of the Orange County Transportation Authority (OCTA) Board of Directors and affiliated agencies was called to order by Chair Nguyen at 9:00 a.m. at the OCTA Headquarters, 550 South Main Street, Orange, California.

**Directors Present:** Tam T. Nguyen, Chair  
Doug Chaffee, Vice Chair  
Valerie Amezcua  
Jon Dumitru  
Jamey Federico  
Katrina Foley  
Patrick Harper  
Michael Hennessey  
Fred Jung  
Farrah N. Khan  
Stephanie Klopfenstein  
Vicente Sarmiento  
Donald P. Wagner  
Lan Zhou, Ex-Officio, Caltrans, District 12

**Directors Absent:** John Stephens  
Mark Tettermer

**Staff Present:** Jennifer L. Bergener, Deputy Chief Executive Officer  
Gina Ramirez, Assistant Clerk of the Board  
Allison Cheshire, Clerk of the Board, Senior  
James Donich, General Counsel

## Special Calendar

### 1. Closed Session

#### **Overview**

A Closed Session will be held as follows:

- A. Pursuant to Government Code Section 54956.9(d)(1) - Conference with General Counsel - Existing Litigation - Orange County Transportation Authority v. Encore Cowan, LLC., et al, OCSC Case No. 30-2021-01202351.
- B. Pursuant to Government Code Section 54956.9(d)(1) - Conference with General Counsel - Existing Litigation - Jane Doe v. Orange County Transportation Authority, OSCS Case No. 30-2021-01218637.

All members were present except for Directors Stephens and Tettermer, who were absent from the meeting.

James Donich, General Counsel, stated there was no report on these matters.



## **Special Calendar**

### **2. Presentation of Resolutions of Appreciation for Employees of the Month**

Resolutions of Appreciation were presented to Lee Diep, Coach Operator; Rafael Luna, Maintenance; and Kriss Garbowski, Administration, as Employees of the Month for October 2024.

## **Consent Calendar (Items 3 through 19)**

### **3. Approval of Minutes**

A motion was made by Director Foley, seconded by Director Sarmiento, and declared passed by those present to approve the minutes of the October 14, 2024 Orange County Transportation Authority and affiliated agencies' regular meeting.

### **4. Fiscal Year 2024-25 Internal Audit Plan, First Quarter Update**

A motion was made by Director Foley, seconded by Director Sarmiento, and declared passed by those present to receive and file the first quarter update to the Orange County Transportation Authority Internal Audit Department Fiscal Year 2024-25 Internal Audit Plan as an information item.

### **5. Investment Manager Contracts, Internal Audit Report No. 25-504**

A motion was made by Director Foley, seconded by Director Sarmiento, and declared passed by those present to direct staff to implement two recommendations provided in Investment Manager Contracts, Internal Audit Report No. 25-504.

### **6. Fiscal Year 2023-24 Fourth Quarter Budget Status Report**

Director Foley pulled this item to inquire about the plan to bring the vacancy rate below ten percent for Coach Operators, Maintenance, and Transportation Communications International Union positions.

Maggie McJilton, Executive Director of People and Community Engagement, stated that staff has several tools to reduce the vacancy rate.

A motion was made by Director Foley, seconded by Director Sarmiento, and declared passed by those present to receive and file as an information item.

### **7. Orange County Transportation Authority Investment and Debt Programs Report -**

A motion was made by Director Foley, seconded by Director Sarmiento, and declared passed by those present to receive and file as an information item.



**8. SB 1 (Chapter 5, Statutes of 2017) State of Good Repair Claims for Fiscal Year 2024-25**

A motion was made by Director Foley, seconded by Director Sarmiento, and declared passed by those present to authorize the filing of SB 1 State of Good Repair claims, in the amount of \$7.084 million, or up to the actual allocation published by the State Controller's Office, to fund capital projects approved by the Orange County Transportation Authority Board of Directors.

**9. State Transit Assistance Fund Claims for Fiscal Year 2024-25**

A motion was made by Director Foley, seconded by Director Sarmiento, and declared passed by those present to adopt Resolution No. 2024-080 to authorize the filing of State Transit Assistance Fund claims, in the amount of \$50,464,493, or up to the actual allocation published by the State Controller's Office, to support public transportation.

**10. Performance Evaluation of State Legislative Advocate, Topp Strategies**

A motion was made by Director Foley, seconded by Director Sarmiento, and declared passed by those present to receive and file the staff evaluation of the state advocacy services of Topp Strategies as an information item and provide any additional comments.

**11. Performance Evaluation of Federal Legislative Advocate, Potomac Partners, DC**

A motion was made by Director Foley, seconded by Director Sarmiento, and declared passed by those present to receive and file the staff evaluation of the federal advocacy services of Potomac Partners, DC as an information item and provide any additional comments.

**12. Draft 2025-26 State and Federal Legislative Platforms**  
Alexis Carter/Kristin Jacinto

A motion was made by Director Foley, seconded by Director Sarmiento, and declared passed by those present to direct staff to move forward with the recommended revisions to the draft 2025-26 Orange County Transportation Authority State and Federal Legislative Platforms and incorporate any feedback from the Orange County Transportation Authority Board of Directors, returning to the Board of Directors for final adoption at a later date.



**13. Agreement for 2026 Long-Range Transportation Plan Public Outreach Consultant Services**

A motion was made by Director Foley, seconded by Director Sarmiento, and declared passed by those present to:

- A. Approve the selection of Arellano Associates, LLC, as the firm to provide public outreach services for the 2026 Long-Range Transportation Plan.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-4-2295 between the Orange County Transportation Authority and Arellano Associates, LLC, in the amount of \$350,000, for a two-year initial term with one, one-year option term, to provide public outreach services for the 2026 Long-Range Transportation Plan.

Director Dumitru voted in opposition on this item.

**14. Excess Liability Insurance Renewal**

Staff pulled this item and will return to the November 13<sup>th</sup> Finance and Administration Committee with additional information as requested by the Committee.

**15. Diversity Outreach Update**

Director Amezcua pulled this item to acknowledge Ted Nguyen and the Community Outreach team and the great feedback from the constituents in Santa Ana.

Director Khan acknowledged the Outreach team and stated they do a great job.

A motion was made by Director Foley, seconded by Director Sarmiento, and declared passed by those present to receive and file as an information item.

**16. Federal Transit Administration Drug and Alcohol Compliance Audit**

A motion was made by Director Foley, seconded by Director Sarmiento, and declared passed by those present to receive and file the Federal Transit Administration Drug and Alcohol Compliance Audit as an information item.

**17. Amendment to the Agreement for OC ACCESS Paratransit and OC Flex Microtransit Service**

A motion was made by Director Foley, seconded by Director Sarmiento, and declared passed by those present to authorize the Chief Executive Officer to negotiate and execute Amendment No. 6 to Agreement No. C-0-2150 between the Orange County Transportation Authority and First Transit, Inc., to allow reimbursement for no-shows, cancel-at-the-door trips, and specific non-revenue support services estimated to be \$3,864,084.



**18. Interstate 5 Improvement Project: Oso Parkway to Alicia Parkway Design and Construction Management, Internal Audit Report No. 25-501**

A motion was made by Director Foley, seconded by Director Sarmiento, and declared passed by those present to direct staff to implement the recommendation provided in Interstate 5 Improvement Project: Oso Parkway to Alicia Parkway Design and Construction Management, Internal Audit Report No. 25-501.

**19. Contract Change Order for Construction of the OC Streetcar Project**

A motion was made by Director Foley, seconded by Director Sarmiento, and declared passed by those present to authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 250 to Agreement No. C-7-1904 with Walsh Construction Company II, LLC, in the amount of \$325,000, to modify pumps in the wheel truing and service and inspection pit at the maintenance and storage facility.

Directors Dumitru and Wagner voted in opposition to this item.

## **Regular Calendar**

**20. OC Streetcar Project Quarterly Update**

James G. Beil, Executive Director of Capital Planning, and Tresa Oliveri, Community Relations Specialist, Principal, provided a presentation on this item.

No action was taken on this receive and file information item.

**21. Measure M2 Next 10 Delivery Plan: Market Conditions Key Indicators Analysis and Forecast**

Jennifer L. Bergener, Deputy Chief Executive Officer (DCEO), provided opening comments and introduced Dr. Wallace Walrod, Chief Economic Advisor, and Dr. Marlon Boarnet, Professor from the Orange County Business Council, who presented this item.

A motion was made by Director Wagner, seconded by Director Foley, and declared passed by those present to continue to monitor market conditions, key indicators and provide updates to the Board of Directors as appropriate.

## **Discussion Items**

**22. Public Comments**

Public comment was heard from Amanda Quintanilla.



**23. Chief Executive Officer's Report**

Ms. Bergener, DCEO, provided a report on the following:

- International Bridge, Tunnel, and Turnpike Association's Annual Meeting
- Headquarters Update

**24. Directors' Reports**

Director Sarmiento noted the resignation of Andrew Do from the County of Orange and requested that staff review any contracts in which Mr. Do may have been involved.

Director Foley commented on OCTA's application for a grant to receive funds from the State of California for the City of San Clemente.

Director Amezcua welcomed OCTA to the City of Santa Ana.

**25. Adjournment**

The meeting adjourned at 10:17 a.m.

The next regularly scheduled meeting of this Board will be held:

**9:00 a.m., on TUESDAY, November 12, 2024**

OCTA Headquarters  
Board Room  
550 South Main Street  
Orange, California

ATTEST:

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Gina Ramirez  
Assistant Clerk of the Board